

REMARKS

Claims 1-16 are pending in this application with claims 1-4, 7, 10, 13, and 15 being independent claims. No claim is allowed.

The 35 U.S.C. § 103 Rejection

According to M.P.E.P. § 2143,

To establish a *prima facie* case of obviousness, three basic criteria must be met. First there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in the applicant's disclosure.

Claims 1-16 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over *Willie et al.* (US 6,052,724) in view of *Wolf et al.* (US 6,278,694 B1). This rejection is respectfully traversed.

Specifically with respect to claims 1-3, the Office Action states that *Willie* discloses or suggests the elements of "selecting a MIB table" and "determining" the recentness of a modification and that *Wolf* discloses or suggests the elements of "retrieving a count" and "determining" the count resolution. However, the logic of the alleged combination is flawed and the support for the rejection is lacking.

For the sake of precision, the fields of the various inventions should be considered. The context of the inventions can give subtle meaning to the words and impetus of the disclosures. The same or similar words alone do not meet the requirements of a *prima facie* case of obviousness. As for the present application, "...the present invention relates to a Management Information Base (MIB) for detecting data modifications in MIB tables of a Simple Network

Management Protocol (SNMP) command responder." (paragraph 0001) By contrast, *Willie* "...relates to management of distributed directory services using standard network management protocols" (col. 1, lines 16-18) and *Wolf* relates "...to collecting and reporting network monitoring data [for network traffic] accumulated by remote probes." (col. 1, lines 7-8) While it is true that all are related generally to networks, each is concerned with a different aspect of those networks. Any overlap is more likely coincidental than intentional unless one is a subset of the other which is not the case here. Mere overlap in words alone does not provide much impulse for modifications or expectation of success in solving issues in unrelated fields.

Turning first to the logic of the alleged combination, there are at least two flaws. First, the rejection proposes to split a determination from its result. It is alleged that *Willie* makes a determination as to the recentness of a modification but does nothing with this determination. It is then alleged that *Wolf*, without making the determination itself, acts on the positive determination by retrieving a count. This is illogical and can only be explained as hind sight reconstruction which is not allowed. Second, the rejection fails to motivate or justify the selected elements of the prior art. Recall that neither reference is in the field of detecting data modifications in MIB tables. Even if *Willie* were to disclose the elements of "selecting" and "determining" the recentness of a modification, there is no rationale for one of ordinary skill to select these two elements in the abstract. These two elements do not represent the directory service manager invention of *Willie*. They accomplish nothing on their own. In fact, the same could be said of *Wolf* in the abstract. *Wolf* is not a modification of *Willie* or vice versa. The necessary elements are chosen in a vacuum. The selected elements of *Willie* are meaningless without the corresponding elements of *Wolf* and vice versa. If there is any motivation or expectation of success it is only in the combination as neither reference individually accomplishes anything of value to start from. No expectation of success is given by the rejection

to these disparate elements. This amount of bias in element selection is another indication of hind sight reconstruction. In either case, the rejection is improper and should be withdrawn.

Turning now to the support for the rejection, the citations from the prior art do not fully support the rejection. First, lines 1-7 of column 8 of *Willie* only disclose that data may be modified. It does not disclose selecting one module over another for any purpose. Second, lines 35-41 of column 8 of *Willie* only disclose that the timing of events may be noted. It does not disclose comparing the timing to any reference time. Third, lines 10-40 of column 5 of *Wolf* only disclose traffic counts and basic subtraction. It does not disclose counting modifications, resolving the count, or retrieving at least one row. In fact, neither reference disclose "retrieving at least one modified row for the selected table" as claimed. All of the claim limitations must be considered. Merely disclosing some of the circumstances under which portions of the claim could occur is not the same as actually performing the claim steps. Without proper support, the rejection should be withdrawn.

Specifically with respect to claims 4, 7, 10, 13, and 15, the Office Action states that *Willie* discloses or suggests the elements of "identifying", "registering", and "initializing a count" and that *Wolf* discloses or suggests the element of "initializing a timestamp". However, the logic of the alleged combination is flawed and the support for the rejection is lacking.

Turning first to the logic of the alleged combination, there is at least one flaw. The citations to *Willie* are out of order. According to the rejection, *Willie* identifies at least one MIB table on column 8 but initializes a count for this "identified table" on column 7. The proposed order is illogical as it is not clear why one would initialize a count for something that has not yet been identified. On one hand, there may not be a need for the count as there may be no unregistered MIB tables. On the other hand, if there are more than one unregistered MIB tables,

then one does not know which of the identified tables that the count is associated with. Without proper clarification, the rejection is flawed and should be withdrawn.

Turning now to the support for the rejection, the citations from the prior art do not fully support the rejection. First, lines 20-45 of column 8 of *Willie* only disclose that events occurring within directory services may be noted. It does not relate to MIB table modifications. Second, lines 20-67 of column 8 of *Willie* only disclose registration in the generic sense. It does not relate specifically to any tables. Third, lines 60-67 of column 7 of *Willie* only disclose "various counters" in the abstract. It does not disclose counters for the number of modifications to a table. Fourth, lines 40-60 of column 3 of *Wolf* only disclose time stamping in the generic sense in that "a sampling time" is noted for each traffic data probe. It does not disclose timestamps for modifications to a table. All of the claim limitations must be considered. Without proper support, the rejection should be withdrawn.

Furthermore, specifically with respect to claims 13 and 15, the rejection lacks support. The rejection is worded with reference only to claim 4. Claims 13 and 15 are not identical to claim 4. Accordingly, the rejection fails to provide complete analysis for all of the claim elements and limitations as required. For example, in claim 13 there is no equivalent alleged to be disclosed or suggested in the prior art for the "row modification recorder" as claimed. Similarly, in claim 15 there is no equivalent alleged to be disclosed or suggested in the prior art for the "means for maintaining a copy of the row as modified" as claimed. Other example omissions exist. Consequently, the rejection fails to be *prima facie* and should be withdrawn.

As to dependent claims 5, 6, 8, 9, 11, 12, 14, and 16, the arguments set forth above apply equally here. Since the base claims are allowable, then the dependent claims must be allowable.

In view of the above, it is respectfully asserted that the claims are in condition for allowance.

Request for Allowance

In view of the foregoing, reconsideration and an early allowance of this application are earnestly solicited.

If any matters remain which could be resolved in a telephone interview between the Examiner and the undersigned, the Examiner is invited to call the undersigned to expedite resolution of any such matters. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-1698.

Respectfully submitted,
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